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COMMONWEALTH OF KENTUCKY  
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

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August 24, 2004

Mr. James I. Palmer, Jr.  
Regional Administrator  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

Dear Mr. Palmer:

On February 20, 2004, Kentucky submitted to EPA recommended attainment/nonattainment designations for PM<sub>2.5</sub> in accordance with Section 107 of the Clean Air Act. Kentucky's recommendation was based on EPA's guidance criteria that was available at the time. Kentucky felt confident of the information submitted and fully anticipated EPA's concurrence with Kentucky's recommendations.

On June 29, 2004, Kentucky received EPA's modified recommendations for designations under the PM<sub>2.5</sub> standard. It was troubling to find that EPA had used different emissions data from those which had been recommended for use by states in their submissions. Further, an emissions weighting scoring methodology which had not previously been made available to states was utilized by EPA in making its recommendations. To date, EPA has not fully advised Kentucky as to exactly how this weighted emissions scoring was applied to its decision making process. This obviously leaves the state with a difficult task in providing further information on the additional counties that EPA has recommended for nonattainment designation.

Kentucky is also greatly concerned that EPA has proposed nonattainment designations of some counties due to the presence of a coal-fired electric generating unit within their borders. This approach is being applied to all counties within a Metropolitan Statistical Area with monitored nonattainment, as well as, those counties adjacent to those areas. Since EPA has previously stated that the implementation of the Clean Air Interstate Rule (CAIR) combined with additional national programs to lower the sulfur content in gasoline and diesel will bring most areas into attainment with the fine particulate standard and preclude the need for local control strategies, it seems unnecessary to impose additional planning and reporting burdens on such counties. In fact many of these counties are rural in nature and free of any major industry beyond the single coal-fired electric generating unit. Such an approach will unnecessarily and arbitrarily impose the stigma of non-attainment and subject the area to requirements that could have serious adverse economic impacts

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In keeping with the spirit of the 120-day consultation period provided by the Clean Air Act, Kentucky submits herewith additional information to support its original recommendation. Based on a detailed analysis of EPA's June 29, 2004 response, Kentucky is of the opinion that only the urban counties of Jefferson and Fayette should be designated as not meeting the annual fine particulate standard. Additional information is enclosed that supports the following designation recommendations:

<u>DESIGNATION</u>	<u>COUNTY</u>
Nonattainment	Jefferson
Nonattainment	Fayette (partial)
Attainment	Rest of State

Kentucky will comply with the Clean Air Act and cooperate with U.S. EPA in improvement of air quality for the citizens of the Commonwealth. However, Kentucky remains concerned about the potential impact of nonattainment designations since implementation requirements for nonattainment areas have not yet been determined.

Please call me if you have any questions. My staff will be contacting Beverly Banister to request an opportunity for a face-to-face meeting to discuss the additional information we are providing.

Sincerely,



Lajuana S. Wilcher  
Secretary

LSW/cam

Enclosure

c: Beverly Banister  
Lloyd Cress  
John Lyons  
Lona Brewer